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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

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Technology Center 2600

Application Number: 09/905,423

Filing Date: July 13, 2001

Appellant(s): HAYES ET AL.

Gary R. Jarosik
For Appellant

EXAMINER'S ANSWER

This is in response to the supplemental appeal brief filed 08.24.06 appealing from the Office action mailed 03.14.06.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The summary of claimed subject matter contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

Daum et al. (Pub. No.: US 2003/0046377 A1); Allport (US Patent No. 6,104,334); Ketcham (US Patent No. 6,195,589 B1); Kolawa et al. (US Patent No. 6,236,974 B1); Amro et al. (US Patent No. 6,507,762 B1);

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

1. Claims 7-8, 10, 13-14, 16-17, 23, 25, 27 are rejected under 35 U.S.C. 102(e) as being unpatentable over Daum et al. (Pub. No.: US 2003/0046377 A1) in view of Allport (US Patent No. 6,104,334).

As to claim 7, Daum et al. teaches a method of displaying information to a consumer relevant to the operation of a consumer appliance (See paragraph 0023), comprising:

entering into a hand-held device data that functions to identify the consumer appliance (See Fig. 4, items User Interface, 402, 404, paragraph 0062);

uploading the data that functions to identify the consumer appliance from the hand-held device to remote system, located remotely from consumer appliance (inherently, in order to receive diagnostic routines from remote systems 140, 150, where diagnostic information stored by appliance type and serial number, the appliance identification information must be uploaded to remote systems 140, 150) (See Fig. 1, items 110, 140-150, paragraphs 0021, 0025);

using the data that functions to identify the consumer appliance at remote system to retrieve an electronic document comprising human-readable information in a form for instructing a consumer how to interact with one or more controls of the consumer appliance for the purpose of operating the consumer appliance (diagnostic routines) (See Fig. 1, items 110, 140-150, paragraph 0025); and

transmitting the electronic document from the remote system to a the hand-held device whereby a representation of the electronic document is displayable on the hand-held device (See Fig. 5, item 540, paragraph 0054, page 5, left column, Lines 10-16).

Daum et al. does not disclose WEB server.

Allport teaches WEB server (See Col. 5, Lines 54-59).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate teachings of Allport into Daum et al. system in order to interact with controlled devices (See Col. 5, Lines 54-59 in Allport reference). Notice, that Daum et al. uses remote system and Allport uses WEB for hand-held devices.

As to claims 8, 14 Daum et al. teaches a browser application for retrieving and displaying the representation of the electronic document (See Fig. 1, items 110, 140-150, paragraph 0025 and Fig. 5, Items 530-540, paragraph 0054).

As to claim 13, Daum et al. teaches in a hand-held device having a display, a readable media having instructions for displaying information relevant to the operation of a consumer appliance (See Fig. 2, items 210-250, paragraph 0023), the instructions performing steps comprising:

storing data that functions to identify computer appliance (See Dishwasher START, paragraph 0062)

causing the data that functions to identify the consumer appliance to be uploaded to remote system located remotely from the consumer appliance which uses that data that functions to identify the consumer appliance (inherently, in order to receive diagnostic routines from remote systems 140, 150, where diagnostic information stored by appliance type and serial number, the appliance identification information must be uploaded to remote systems 140, 150) (See Fig. 1, items 110, 140-150, paragraphs 0021, 0025) to retrieve an electronic document comprising human-readable information in a form for instructing a consumer how to interact with one or more controls of the consumer appliance for the purpose of operating the consumer appliance (See Fig. 5, item 530); and

receiving the electronic document from remote system (diagnostic routines) (See Fig. 1, items 110,140-150, paragraph 0025); and

displaying a representation of the electronic document in the display (See Fig. 5, item 540, paragraph 0054, page 5, left column, Lines 10-16).

Daum et al. does not disclose WEB server.

Allport teaches WEB server (See Col. 5, Lines 54-59).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate teachings of Allport into Daum et al. system in order in order to interact with controlled devices (See Col. 5, Lines 54-59 in Allport reference). Notice, that Daum et al. uses remote system and Allport uses WEB for hand-held devices.

As to claim 17, Daum et al. teaches a system comprising (paragraph 0023);
a hand-held device having a display and a memory (See Fig. 2, items 210,
220) in which is stored data that functions to identify a make of consumer appliance
(See Dishwasher START, paragraph 0062); and
a remote system located remotely from the consumer appliance on which is
an electronic document comprising human-readable information in a form for instructing
a consumer how to interact with one or more controls of the consumer appliance for the
purpose of operating the consumer appliance (See Fig. 1, items 140-150, paragraph
0021); and

wherein the hand-held device is adapted to cause the data that functions to
identify the consumer appliance to be uploaded to a remote system which uses that
data that functions to identify the consumer appliance (inherently, in order to receive
diagnostic routines from remote systems 140, 150, where diagnostic information stored
by appliance type and serial number, the appliance identification information must be
uploaded to remote systems 140, 150) (See Fig. 1, items 110, 140-150, paragraphs
0021, 0025) to retrieve an electronic document (See Fig. 5, item 540); and download
the electronic document to the hand-held device whereby a representation for the
electronic document may be displayed in the display (See Fig. 1, items 110, 140-150,
paragraph 0025).

Daum et al. does not disclose WEB server.

Allport teaches WEB server (See Col. 5, Lines 54-59).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate teachings of Allport into Daum et al. system in order to interact with controlled devices (See Col. 5, Lines 54-59 in Allport reference). Notice, that Daum et al. uses remote system and Allport uses WEB for hand-held devices.

As to claim 23, Daum et al. teaches a hand-held device (paragraph 0023) comprising;

a hand-held device having a display and a memory (See Fig. 2, items 210, 220) in which is stored data that functions to identify a make of consumer appliance (See Dishwasher START, paragraph 0062); and

a browser application comprising instructions for reading from memory the data that functions to identify the make of the consumer appliance (See Fig. 4, item Dishwasher START), for retrieving (inherently, in order to receive diagnostic routines from remote systems 140, 150, where diagnostic information stored by appliance type and serial number, the appliance identification information must be uploaded to remote systems 140, 150) (See Fig. 1, items 110, 140-150, paragraphs 0021, 0025) via a network connection to retrieve an electronic document (See Fig. 5, item 540) comprising human-readable information in a form for instructing a consumer how to interact with one or more controls of the consumer appliance for the purpose of operating the consumer appliance located at remote system accessed address which is mapped within hand-held device to the data to identify that functions to identify the make of the consumer appliance (See Fig. 1, items 110, 140-150, paragraphs 0021 and 0025), and

for displaying a representation of the retrieved document in the display (See Fig. 5, item 540, paragraph 0054, page 5, left column, Lines 10-16).

Daum et al. does not disclose WEB server.

Allport teaches WEB server (See Col. 5, Lines 54-59).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate teachings of Allport into Daum et al. system in order in order to interact with controlled devices (See Col. 5, Lines 54-59 in Allport reference). Notice, that Daum et al. uses remote system and Allport uses WEB for hand-held devices.

As to claims 10, 16, 27, Allport teaches a remote control having a memory in which are stored a library of command codes for commanding the operation of a plurality of different consumer appliances and a set-up program by which the data that function to identify of the consumer appliance is used to select command codes from the library of command codes that are appropriate to command the operation of the consumer appliance (See Fig. 15, items 10, 65, 420, in description See Col. 22, Lines 25-65 and Col. 8, Lines 60-63).

As to claim 25, Allport teaches the network comprises the Internet (See Col. 5, Lines 54-59).

2. Claims 9, 15, 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Daum et al. and Allport as aforementioned in claims 7, 13, 23 in view of Ketcham (US Patent No. 6,195,589 B1).

Daum et al. and Allport do not show a bar code reader as part of the hand-held device for use in entering the data that function to identify the consumer appliance.

Ketcham teaches a bar code reader as part of the hand-held device for use in entering the information representative of the consumer appliance (See Fig. 3, item 54, in description See Col. From Col. 3. Line 60 to Col. 5, Line 3).

It would have been obvious to one of ordinary skill in the art at the time of the invention to use a bar code reader in Daum et al. and Allport method in view of teaching of Ketcham because appliances could be remotely controlled.

3. Claim 18 rejected under 35 U.S.C. 103(a) as being unpatentable over Daum et al. and Allport as aforementioned in claim 17 in view of Kolawa et al. (US Patent No. 6,236,974 B1).

Daum et al. and Allport do not show the appliance, as a kitchen appliance and the human-readable information comprise a recipe.

Kolawa et al. teaches the appliance as a kitchen appliance and the instruction relevant to the operation of the consumer appliance comprise a recipe (See Fig. 1, items 10,16, in description See from Col. 2, Line 66 to Col. 3, Line 15).

It would have been obvious to one of ordinary skill in the art at the time of the invention to use a kitchen appliance and the human-readable information comprise a recipe Kolawa et al. in Daum et al. and Allport apparatus in view of Kolawa et al. teaching because appliances could be remotely controlled.

4. Claims 19-22, 24 rejected under 35 U.S.C. 103(a) as being unpatentable over Daum et al. and Allport as aforementioned in claims 17 and 23 in view of Amro et al. (US Patent No. 6,507,762 B1).

Daum et al. and Allport do not show the human-readable information comprises multiple linked pages and browser which adapted user manual.

Amro et al. teach hand-held device (a remote control) comprises PDA (See Fig. 5, item 110, in description See Col. 5, Lines 21-24).

It would have been obvious to one of ordinary skill in the art at the time of the invention that PDA will be able to use the human-readable information with multiple linked pages and browser which adapted user manual in the Daum et al. and Allport apparatus because appliances could be remotely controlled.

(10) Response to Argument

On page 7, last paragraph of Appeal brief, Appellant's stated in relation to independent claims 7,13,17,23, that data that function to identify an appliance is never disclosed by any prior art of the record as being entered, stored and retrieved for the purpose of being uploaded to a remotely located server. However, Appellant's invention relates to a wide class of devices which communicating on Internet or any similar type network. All of those devices operate in different manners so identifying themselves is necessary in order to retrieve different information from the network. Therefore, it is inherent during interface with a remote device to identify an appliance (portable computer, PDA's, portable telephone) and after that receive the needed information. It

would appear that Appellant is trying to reinvent basic Internet communication protocol, that is notoriously well known in the prior art.

In general, Appellant's arguments are mostly related to supposed differences between prior art of the record and claim language.

As explained in the rejection above, the "entering into a hand-held device data that functions to identify the consumer appliance" and "uploading the data that functions to identify the consumer appliance" as claimed and argued by the Appellant is inherently taught by Daum et al.

For these reasons, the rejections made by the examiner appear to be appropriate.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Leonid Shapiro



Examiner

Technology Division 2629

October 25, 2006



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